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## The aggression that topples the UN Charter

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HERE are many good reasons for countries' decision not to join U.S. President George W. Bush's aggression against Iraq. The best is that such an aggression is patently illegal. In fact, by waging war without U.N. authorisation, the U.S. and its ragtag "coalition of the willing" are putting themselves outside the boundaries of international law. Or, to put it bluntly, they are transforming themselves into outlaw states. That the very nations, which spearheaded efforts to rein in an outlaw state, should themselves become outlaws is a rich, if tragic, irony. It will be appreciated as such in most countries, although possibly not in the U.S. where irony, like French toast, has been declared un-patriotic.

**The axis of aggression**

President Bush appeared capricious, arrogant and ever so slightly unhinged. The more Saddam complied, the more Bush complained that he wasn't. The more successes the U.N. weapons inspectors scored in their disarmament of Iraq, the more petulant Bush became.

Indeed, Bush's behaviour is difficult to fathom. For more than a year, he has seemed bent on invading Iraq, no matter what. Perhaps this single-minded focus on war explains his striking inability to win diplomatic support from the usually pliable members of the Security Council, most of whom are eager for American dollars. In the end, Bush couldn't even be sure of Mexico. Which is why the U.S., British and Spanish abandoned efforts to have the Security Council pass a resolution authorising war. They now say they don't need one to invade Iraq legally. In fact, they do. Among experts, the overwhelming consensus seems to be that there is no legal authorisation for an Iraq war.

**The illegality**

Attacking Iraq without council authorisation is illegal under current international law and undermines a significant accomplishment. The charter has helped prevent wars by maintaining a delicate balance between the good achieved by collective action and the catastrophic destruction that might result if an intervention conflicted with the vital interests of a major power. Only those who have no reason to fear military force can contemplate a world without these protections. It is the possession of a credible nuclear deterrence - and plans for missile defence - that make Bush think he can disregard the UN.

The UN charter outlaws the use of force with only two exceptions: individual or collective self-defence in response to an armed attack and action authorised by the Security Council as a collective response to a threat to the peace, breach of the peace or act of aggression. There are currently no grounds for a claim to use such force in self-defence.

**The Resolution 1441**

Certainly, Security Council resolution 1441 (2002), the one

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all. All of this is important in the context of the U.N. system set up by the U.S. and its allies after World War II to prevent war. Under the U.N. Charter, it is a crime for any nation to make war, except in self-defence or with the explicit approval of the council. Anyone in any country that makes war outside of these conditions is breaking international law.

**Doctrine of pre-emptive self-defence?**

Iraq has not attacked any state since 1990; it has neither attacked nor threatened to attack either the United States or the United Kingdom, and possesses no military capability to engage in an armed attack of either the United States or the United Kingdom.

Claims that Iraq intends to attack, or is capable of attacking, the United States or any state with weapons of mass destruction on its own or indirectly by providing such weapons to an international terrorist network are speculative, and are not supported by credible information.

The doctrine of pre-emptive self-defence against an attack that might arise at some hypothetical future time has no basis in international law. Any right of pre-emptive self-defence would be dangerous. Who decides that a threat justifies anticipatory action? How does one protect against opportunistic interventions justified on the basis of pre-emptive self-defence? The UN charter is clear: in the absence of an attack, the Security Council alone can act.

**Even a lawful war...**

The decision to undertake military action in Iraq without proper Security Council authorisation has seriously undermined the international rule of law. Of course, even with that authorisation, serious questions would remain. A lawful war is not necessarily a just, prudent or humanitarian war.

The Anglo-American resort to a "preventive" use of force, including an armed attack of Iraq, as a response to a speculative, prospective terrorist threat from Iraq substantially violated the United Nations Charter and fundamental principles of international law with respect to the prohibition of the use of force.

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that the U.S. cites to justify its actions, does not do the trick. Contrary to the common wisdom, it does not even threaten Iraq with "serious consequences" for non-compliance. It merely "recalls" that the council has warned of such consequences before.

The claim that the Resolution 1441 authorises the automatic use of force against Iraq on the basis of its renewed warning that Iraq "will face serious consequences as a result of its continued violations of its obligations" is unsupported by the resolution's drafting history (travaux préparatoires), inconsistent with the plain and natural meaning of the warning's text (cast in recollective rather than directive terms and making no mention of the use of armed force per se), and, in any event, contradicted by the post-adoption interpretative practice of a majority of the Security Council, including three-fifths of its permanent members;

Even Britain recognises that resolution 1441 is a weak reed. It insists that war is implicitly authorised by Security

Council resolutions 678 and 687, both of which date from the early 1990s. However, Security Council resolutions are specific to time and place; they cannot be dragged out years later to justify unilateral actions. No country alone can be judge, jury and high executioner.

Besides, the earlier Security Council resolutions don't quite work, either. Resolution 678 (1990) did authorise military action but only to force Iraq to abandon its occupation of Kuwait. And resolution 687 (1991), which established the cease-fire at the end of the first Gulf War, doesn't authorise force at

## As war on Iraq begins, peace activists persevere

TAI MOSES

STARTING today, we must set our sights on this goal: regime change in the White House in November 2004. If nothing else, Bush taught us a useful lesson; persistence in the face of overwhelming opposition. If we employ the same resolute, stubborn determination he used to push our nation into war, we will surely prevail in the 2004 presidential election.

The bombardment of Baghdad has begun. Despite the vocal opposition of millions of Americans, George W. Bush, President of the United States, declared war on Iraq at 10:15pm EST on Wednesday, March 19. Explosions from the first U.S. air strikes rocked the suburbs and the city centre of the Iraqi capital in the early morning hours of Thursday.

Anyone who paid attention to the obsessive manner in which Bush pursued his course knew in their hearts that war was inevitable, that inspections were never meant to work, that a diplomatic solution was never a real priority. Yet, as footage of the air strikes flashed across our television screens Wednesday night, we were heartbroken, angry and fearful for the Iraqi people, for the stability of the Middle East, and for the future of our own country, as it charts its dangerous, unpopular course toward imperialism.

Still, as I write this, people are in the streets, protesting and chanting and committing civil disobedience, staging die-ins and sit-ins and walk-outs, phoning, faxing and emailing their congressional representatives, circulating petitions and marching and showing no sign of letting up. The massive energy and momentum that went into the antiwar movement over the past few months is being funnelled into continued and vigorous action. Millions have signed up at MoveOn.org and put lights in their windows to signal their ongoing commitment to antiwar work. Protest campaigns organized by the broad coalition Win Without War and United for Peace and Justice are in full swing. Here at AlterNet, we support staff members who wish to leave work to join the actions and we hope other employers around the country are able to do the same.

Our visible efforts will let our friends, in Europe and Asia and Latin America and everywhere else where people have declared their opposition to the war, know that Americans continue to stand with them in solidarity despite the actions of our government.

But as intent as we are on the work of waging peace, we must also turn our attention to the future, because we have another vital mission to fulfil next year. Starting today, we must set our sights on this goal: regime change in the White House in November 2004. If nothing else, Bush taught us a useful lesson; persistence in the face of overwhelming opposition. If we employ the same resolute, stubborn determination he used to push our nation into war, we will surely prevail in the 2004 presidential election.

And what now, as the bombs pound Baghdad and terrified residents cower, as a new generation of American soldiers experiences the horror of killing other human beings. What now?

Uppermost in our minds should be our responsibility to help feed and care for those who will bear the brunt of this war, which could create more than a million refugees in Iraq and neighbouring countries. Sixty percent



of Iraq's population depends for basic sustenance on the oil-for-food program, which was suspended as soon as Bush issued his ultimatum. Online donations can be made to the UN's World Food Programme, Aid International, Oxfam America, and Working Assets Iraqi Emergency Relief Fund.

And what of the troops? "Honour our Troops, Bring them Home, Peace is Patriotic," reads the marquee on my local movie theatre. We wholeheartedly support the idea of protecting the lives of our soldiers by bringing them safely home. Our opposition to the war is based on respect for human life, be it an Iraqi grandmother or a private in the U.S. army. But we do not support the mission these soldiers have been sent on: to kill thousands of Iraqis. So how can we in good conscience honour the military?

Our own commander-in-chief has shown little respect for the men and women he has sent into harm's way. Even as Bush has ordered more than 200,000 troops into combat, the House Budget Committee is quietly planning to gut veterans' benefits by \$470 billion over the next decade; just when wounded or ill Gulf War II combat vets are sure to need benefits the most. This is unprecedented; it is always difficult to get money for veterans in peacetime, but to slash veterans' pensions and disability compensation at the beginning of a war defies belief. So when someone questions the patriotism of antiwar protesters, remind them of the administration's hypocrisy.

What to do with our discouragement, our horror, our exhaustion? If you have invested any of your energy and heart in resisting the war efforts of Bush, Cheney, Rumsfeld et al., depression is going to be your occasional companion. We can try to avoid despair in these dark times by recognising that we each have a valuable place in the continuum that is the struggle for peace, which has existed as long as there has been war. "It is not necessary for you to complete the work, but neither are you free to desist from it," said the Talmudic sage Rabbi Tarphon.

The bombs are falling over Baghdad. In the U.S. there are people in the streets; there is a roar of protest around the world that is rising in volume even now. One month ago, many of us took part in the largest coordinated single-day antiwar demonstration in the history of the world. George W. Bush did not listen to us, but we heard each other. When the wartime blues begin to get you down, remember: There is a one-term president in the White House, and that good fight has just begun.

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FACT file

## As the drums of war roll..

ANGANA CHATTERJI

HOW shall we make President Bush understand? Millions have marched, people and governments have pleaded their dissent. They have failed to produce conscience and reason in the Bush presidency, or a commitment to international coalition building and bilateral relations. Should the world impose sanctions on America?

America's war with Iraq is about deception, control, and the violation of local and international will. This war is not about freedom. It is about a superpower asserting itself in a unilateral world. Iraq, a repository of oil reserves, the second largest after Saudi Arabia, must be disciplined and punished. At the announcement of war, the Dow rallied over 282 points. The Bush administration prepares to bestow 900 million dollars to domestic firms in post war contracts for rebuilding Iraq. Who benefits from this war economy?

The impenetrable Bush coalition is ready. Foreign missions have been evacuated, armies mobilised, and body bags ordered. The call for war has been given. Ships roll in rough seas ready to parachute bombs which to wipe out evil must murder the innocent. President Bush, defining this as a war of "liberation", says that the United Nations has not lived up to its responsibilities. Are his actions responsible?

Information available betrays this administration's logic for war. The United States claimed to have destroyed 80 per cent of Iraq's military capacity in 1991. Since then, the United States and the United Kingdom have administered air strikes and deluged Iraq with explosives. So, what is this war about? Is it to protect the Kurds or Jews in Iraq, perhaps, given Saddam Hussein's animosity toward minorities and alliance with Palestine? But Kurds were betrayed in the last war and Iraqi Jews have chosen to remain in Iraq, in a society where frayed remnants of secularism endure. Osama Bin Laden? There is no evidence that links Saddam Hussein to Al Qaeda. A truth refuses alliance with this war. In the minds of many Americans this war



Hussein will use chemical and biological weapons against America, weapons Iraq developed in the 1980s, ironically, with the knowledge and support of the United States. Regional security? Does America care if Iraq violates its "lesser" neighbours? The United States did not castigate Iraq when Saddam Hussein gassed 5,000 in the Kurdish town of Halabja. Let us remember as well that the United States used 19 million gallons of Agent Orange in Vietnam. How does a nation with blood on its hands attempt to hijack the moral high ground?

Iraq, the land of ancient civilisation, heritage to all, drawn from the memories of Mesopotamia. A culture which connects us from prehistory to history. The triumphs and tribulations of Assyrians, Chaldeans, Akkadians, Sumerians, Babylonians, Hittites, Israelites, Lydians, Phoenicians, Persians have birthed its imagination. A multitude of religions, tribes and ethnicities has produced a profusion of art, music, religion, mythology, architecture, literature, and history. A land desecrated by corrupt regimes and untold horrors. Long forgotten is the Baath Party's commitment to a socialist revolution, to equity and freedom. And now, a crusade led by America that only promises torment and adds to Iraq's grief. This war will reinforce Islamic fundamentalists, marginalise progressive Muslims and strengthen the religious right. This war will escalate a thousand-fold the terrorist threat that terrifies people the world over. How shall we make President Bush understand? Millions have marched, people and governments have pleaded their dissent. They have failed to produce conscience and reason in the Bush presidency, or a commitment to international coalition building and bilateral relations. Should the world impose sanctions on America?

The Iraqi people want to be free of torture and fear, of the despot Saddam Hussein. At what cost? By whose will? They have not asked the United States to intervene. What of the retaliation, as Iraq signals the war, firing at three Kurdish villages north of Kirkuk? Eight hundred thousand Iraqi civilians died from the environmental and infrastructural impact of America's first war with Iraq. Since 1991, there has been a 600 per cent increase in cancers. Infant mortality rates have increased by 260 per cent. It is over 12 years since the United Nations

introduced Resolution 661, imposing ruinous sanctions against Iraq. Sanctions that have killed 1,684,850 since 1991, 704,162 of them children under five. Has all this made peace? A full-fledged war will induce 500,000 casualties in Iraq, leave 50 per cent of the population without access to water, displace two million people, and create 600,000 refugees. Insolent actions of Empire. They portend dangerous consequences. Attending to the post war crisis will force UN agencies to redirect emergency funds from war torn Africa or refugees returning to Afghanistan. Will our world be safer?

Iraq possesses 110 trillion cubic feet of natural gas, of grave concern for regional and international security. In the first Gulf War, 700 oil wells burned for nine months, discharging toxic clouds that blinded the sun. Sixty million gallons of crude oil were unleashed into the environment, wounding the desert with 246 craters of congealed oil, damaging the coast for 1,500 miles. Eight hundred tons of depleted uranium were used in Iraq during the Gulf War, 300 tons of it scattered across Kuwait and southern Iraq. The beautiful marshes, the rivers, the skies, the seas rage in mourning. The desert is filled with trepidation. Where is our compassion?

Justice is not lucrative in the world order to which we acquiesce. Do we want to feed the hungry and shelter the displaced? Because we can. The world spends 800+ billion dollars each year in military outlays. In 2002, the United States alone spent 518.9 billion in military and related expenditure. Ninety-seven ships, attack helicopters, smart bombs, a 1000 fighter jets, and 250,000 soldiers march into Iraq. Each day at war will cost American taxpayers 517 million dollars. In contrast, the United Nations estimates that an annual allocation of 80 billion dollars would make available fundamental necessities and mitigate poverty for the underprivileged across the globe. Where is the will for ethical change?

The drums roll for combat. I think about women and men in Iraq, about children afraid in the shadows, about dreams in which they struggle to rest. What a mess we have made of this world. In San Francisco, opposition to this war is prodigious, as I write, in dissent and with all the failings of hope. When will we be heard?

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## Aggression!



DR. CHANDRA MUZZAFFAR

An act of aggression! There is no other way of describing Washington's invasion of Iraq on 20 March 2003. The United States, its staunch ally, Britain, and other states in that gang of invaders not only failed to obtain United Nations endorsement for the war but have also violated the UN Charter.

The United Nations should condemn the US led aggression against Iraq. It should demand that Washington ceases its military operations immediately. Indeed, under the UN Charter, Iraq, as a victim of aggression, has the right to seek help from other UN member states and from the UN itself.

While we do not expect the UN to take a collective stand against the world's sole superpower, it is our earnest hope and prayer that people everywhere will continue their courageous campaign against the war. It is, after all, the most unpopular war in human history. American aggression has confirmed what ordinary men and women have known all along: Washington has no respect for international law. It is a power unto itself. It acts unilaterally -- aided and abetted by London and other crony and client states.

Indeed, Washington's assault upon Iraq underscores the maxim it adheres to in international politics. Might is right. The weak must submit to the will of the strong.

The war on Iraq proves -- if proof was needed -- that Washington intends to use its might to re-shape the world in accordance with its imperial ambitions. Of course, control over Iraqi oil is central to its imperial drive. The invasion of Iraq is also critical to Israel's hegemonic agenda in the Middle East.

Forcing Iraq to eliminate its weapons of mass destruction is part of the attempt to ensure that Israel feels safe and secure. That Israel's 200 nuclear warheads have contributed to a deep sense of insecurity among its Arab neighbours, prompting some of them to acquire other weapons of mass destruction is something that is conveniently ignored by the warmongers in Washington and London.

In contrast to Israel and, of course, its protector, the United States of America, Iraq, at this juncture, with its very limited defence capabilities, appears to be weak and vulnerable. All indications are that it will be vanquished easily. Its people will be slaughtered mercilessly. And among those who will be crushed to death will be the children of Iraq.

Is this how the world's first global empire seeks to crown its victory -- with the corpses of children?

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